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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JORGE EDILBERTO GOMEZ,

11 Plaintiff,

12 v.

13 E. FICKET, *et al.*,

14 Defendants.

Case No. C07-5635 BHS/KLS

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
DEFENDANTS' MOTION TO
DISMISS

15 Before the court is Plaintiff's third motion to an extension of time to respond to Defendants'
16 motion to dismiss. Dkt. # 42. Defendants' motion to dismiss is presently noted for consideration on
17 September 5, 2008. Dkt. # 39. Plaintiff also filed a motion to compel production of documents,
18 seeking a copy of Defendants' motion to dismiss. Dkt. # 41. Since the filing of that motion,
19 Defendants have provided Plaintiff with an additional copy of the motion. Dkt. # 46.

20 The Court is aware that this is Plaintiff's third request and that Defendants claim that
21 Plaintiff received a packet from their office on May 12, 2008. *See e.g.* Dkt. # 60. However, the
22 Court is also aware that Mr. Gomez noted that he had received only the motion for summary
23 judgment filed by other defendants in this action in his first motion for continuance filed in June.
24 Dkt. # 33, p. 2-3. Because there may be some confusion as to when Mr. Gomez had the benefit of
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1 Defendants' motion before him to properly prepare his response, the Court finds that a short and
2 final continuance of the motion is appropriate.

3 Accordingly, it is **ORDERED**:

- 4 (1) Plaintiff's motion for an extension of time (Dkt. # 42) is **GRANTED**; Plaintiff may
5 file his response to the motion to dismiss (Dkt. # 29) on or before **October 13, 2008**.
6 Defendants' reply shall be due on or before **October 17, 2008**; and the Court Clerk
7 shall re-note the motion to dismiss for the court's consideration for **October 17,**
8 **2008**;
- 9 (2) Plaintiff's motion to compel (Dkt. # 41) is **DENIED** as moot; and
- 10 (3) The Clerk is directed to send copies of this order to Plaintiff and counsel for
11 Defendants.

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13 DATED this 25th day of September, 2008.

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17 Karen L. Strombom
18 United States Magistrate Judge
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